

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrick Buechner on 6/16/10.

The application has been amended as follows:

In Claim 19, Line 3:

Delete [[and a fine thread removably inserted]], **replace with** "and a fine thread, having two ends, removably inserted".

Claims 19-32 are allowed. The following is an examiner's statement of reasons for allowance:

The instant claims are drawn to a method of inserting a lacrimal punctal plug into the punctum canaliculus of the body to control fluid flow through a patient's lacrimal system. The method utilizes a punctal plug comprising a shaft, a tip portion attached to one end of the shaft, a brim attached to the other end of the shaft, and a fine thread removably inserted into a part of the punctal plug. First, the punctal plug is inserted into

the punctal canaliculus. If the implant was not placed in the proper position, the user pulls *both ends* of the fine thread, so that the punctual plug is pulled out of the punctum canaliculus, and then reinserts the punctual plug. If the implant is placed in the proper position, the user pulls on *one end* of the fine thread, such that the thread is removed from the punctual plug.

The closest prior art of record is Herrick '684 (US 6,290,684), Herrick '270 (US 5,171,270), and Li (US 2003/0125748). Herrick '684 and Herrick '270 teach punctal plugs having the claimed structure, and Herrick '270 further teaches that the plug may have a thread extending from the brim, such that the plug may be pulled out of the patient after use. Neither Herrick publication, however teaches that the thread comprises two free ends, such that the thread REMOVABLY attached to the implant and can be removed by pulling on one end of the thread, nor do they teach the claimed method of use. This arrangement allows thread to serve two functions: (1) removing the implant from the eye by pulling both ends, and (2) removing the thread from the implant by pulling one end of the thread.

Further, regarding the specific arrangement of the thread, the closest prior art is Li (US (2003/0125748), which teaches an implant having a hole with a loop of thread looped therethrough. The thread allows the implant to be pulled backward into a mechanism 110 that forms the implant into a proper shape for implantation. Li's thread is a complete circular loop, such that it is not capable of being removed from the implant by pulling on one end. Because the purpose of Li's thread is merely to retract the

implant 102 into the shaping mechanism, there is no motivation to use Li's thread loop to perform the claimed method.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R. Wiest whose telephone number is (571)272-3235. The examiner can normally be reached on 8:30am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip R Wiest/
Examiner, Art Unit 3761

/Leslie R. Deak/
Primary Examiner, Art Unit 3761
16 June 2010